

# **EXHIBIT “13”**

1  
2 UNITED STATES DISTRICT COURT

3 EASTERN DISTRICT OF NEW YORK

4 Docket No.: 1:22-cv-02834-PKC-MMH

5 - - - - -x

6 GOVERNMENT EMPLOYEES INSURANCE COMPANY,

7 GEICO INDEMNITY COMPANY, GEICO GENERAL

INSURANCE COMPANY and GEICO CASUALTY

COMPANY,

8  
9 Plaintiffs,

10 -against-

11 ELENA BORISOVNA STYBEL, D.O., ELENA

BORISOVNA STYBEL, M.D., (A Sole

Proprietorship), Evergreen & Remegone,

12 LLC, YANA MIRONOVICH, NEW YORK BILLING AND

PROCESSING CORP., ERIC MELADZE BLUE TECH

13 SUPPLIES, INC., SUNSTONE SERVICES, INC.,

and JOHN DOE DEFENDANTS "1" through "10",

14 Defendants.

15 - - - - -x

16 March 15, 2023

10:05 a.m.

17  
18 DEPOSITION of ARTEM SMIRNOV, a

19 Non-Party Witness, in the above-entitled

20 action, held via remote proceeding, taken

21 before IRIS FERNHOFF, a Shorthand Reporter

22 and Notary Public of the State of New

23 York, pursuant to the Federal Rules of

24 Civil Procedure, and stipulations between

25 Counsel.

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APPEARANCES :

RIVKIN RADLER LLP  
Attorneys for Plaintiffs  
926 RXR Plaza  
Uniondale, New York 11556  
BY: GARIN SCOLLAN, ESQ.

ALSO PRESENT :

STAS RABINOWITZ, Eiber  
Translations, Russian Interpreter

\* \* \*

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STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED, by  
and among counsel for the respective  
parties hereto, that the filing, sealing  
and certification of the within deposition  
shall be and the same are hereby waived;

IT IS FURTHER STIPULATED AND AGREED  
that all objections, except as to form of  
the question, shall be reserved to the  
time of the trial;

IT IS FURTHER STIPULATED AND AGREED  
that the within deposition may be signed  
before any Notary Public with the same  
force and effect as if signed and sworn to  
before the Court.

\* \* \*

1 A. Smirnov

2 S T A S R A B I N O W I T Z,

3 called as the interpreter in this  
4 matter, was duly affirmed by a Notary  
5 Public of the State of New York to  
6 accurately and faithfully translate the  
7 questions propounded to the witness from  
8 English into Russian and the answers given  
9 by the witness from Russian into English.

10 -oOo-

11 A R T E M S M I R N O V,

12 the witness herein, having been first  
13 duly sworn by a Notary Public of the State  
14 of New York, was examined and testified  
15 through the interpreter as follows:

16

17 THE COURT REPORTER: State your  
18 name for the record, please.

19 THE WITNESS: Artem Smirnov.

20 THE COURT REPORTER: State your  
21 address for the record, please.

22 THE WITNESS: 601 Brightwater  
23 Court, Apartment 3D, Brooklyn, New  
24 York 11235.

25

1 A. Smirnov

2 EXAMINATION BY

3 MR. SCOLLAN:

4 Q. Good morning, Mr. Smirnov. My  
5 name is Gary Scollan. I'm an attorney  
6 with the law firm of Rivkin Radler LLP,  
7 counsel for GEICO.

8 We are here today for the  
9 deposition of a non-party witness, Artem  
10 Smirnov in connection with an amended  
11 complaint filed by GEICO.

12 Again, certain individuals and  
13 entities including Stybel, the sole  
14 proprietorship under Elena Borisovna  
15 Stybel, M.D. and Yana Mironovich.

16 MR. SCOLLAN: For the record,  
17 Mr. Smirnov did show me a copy of his  
18 license before the deposition and I  
19 did see that this is, in fact, Artem  
20 Smirnov in the deposition today.

21 BY MR. SCOLLAN:

22 Q. Mr. Smirnov, have you ever  
23 testified at a deposition before?

24 A. No.

25 Q. Okay. So just to go over some

1 A. Smirnov

2 ground rules that will help things go  
3 smoother today.

4 We have a court reporter here  
5 today, so it's very important that you  
6 give verbal answers to questions. And I  
7 ask that you speak up so she can hear you  
8 as well as the interpreter can hear you.

9 If you do not understand a  
10 question, please let me know and I'll  
11 rephrase it.

12 And it's very important that  
13 only one person speaks at a time. So I'll  
14 do my best not to talk over your answers  
15 and you'll do your best not to speak over  
16 my questions. I'm sure it won't be a  
17 problem.

18 And if you need to take a break  
19 at any point, just let me know.

20 Do you understand everything  
21 I've said thus far?

22 A. Yes.

23 Q. Do you also understand that the  
24 oath you took today to tell the truth is  
25 the same as if you took the oath in a

1 A. Smirnov

2 court of law?

3 A. Yes.

4 Q. Are you under the influence of  
5 anything that would affect your ability to  
6 testify truthfully and accurately today?

7 A. No.

8 Q. And per our previous  
9 conversations, you're aware that you have  
10 the right to appear today with an attorney  
11 for your deposition, correct?

12 A. Yes.

13 Q. And you still you wish to go  
14 forward today with your deposition without  
15 an attorney, correct?

16 A. Yes.

17 Q. If at any point you can't see or  
18 hear me because this is virtual, just let  
19 me know.

20 Are you ready to proceed with  
21 your deposition?

22 A. Yes.

23 Q. Where do you currently work?

24 A. I have no full-time jobs right  
25 now, just odd jobs.



1 A. Smirnov

2 Q. What are those odd jobs?

3 A. Business funding, business  
4 loans.

5 Q. Do you do any business funding  
6 or business loans related to No-Fault  
7 healthcare practices?

8 A. No.

9 Q. Do you do any business loans or  
10 funding through a specific company?

11 A. If you could rephrase? I'm not  
12 sure I understand the question.

13 Q. Sure.

14 So these business loans, do you  
15 personally loan the money to people?

16 A. No.

17 Q. Do you work for a company that  
18 loans money to people?

19 A. Not officially.

20 Q. Do you receive a paycheck from  
21 anybody relating to your work regarding  
22 business loans and funding?

23 A. Not yet.

24 Q. Who do you work for?

25 A. I'll have to give you an

1 A. Smirnov

2 extended answer.

3 Q. Sure, that's fine.

4 A. I got hired by this company, ZR  
5 Funding. I worked for them for a while --

6 THE WITNESS: (In English) Can  
7 we change the interpreter because I'm  
8 not sure what he's doing? Because I'm  
9 feeling not comfortable to work with  
10 that person.

11 MR. SCOLLAN: Would you feel  
12 more comfortable just proceeding in  
13 English?

14 THE WITNESS: (In English) I  
15 mean, so sometimes I might miss, like  
16 misunderstand. Like sometimes you  
17 might use the words that I don't  
18 understand. For example, sometimes  
19 English is different from my native  
20 language and sometimes it's my habit  
21 that you know, that you might use some  
22 sentence that I may not understand  
23 because it's going to be like a huge  
24 change in the way how we interpret all  
25 the same sentences. So that's the

1                   A. Smirnov

2           only reason why I need the  
3           interpreter.

4                   MR. SCOLLAN:   How about this?  
5           It's early in the process.   What we  
6           can do is if you feel that your answer  
7           was misinterpreted, you can raise that  
8           issue to the interpreter.   And  
9           Mr. Interpreter at that point, you can  
10          say that the answer has been changed  
11          to include this clarification.

12                   If you feel throughout this  
13          process, Mr. Smirnov, that you again,  
14          during this deposition, would feel  
15          more comfortable getting another  
16          interpreter, we would.   Likely we  
17          won't be able to get another  
18          interpreter today.   We would have to  
19          come back on another day.

20                   So I think it would be best to  
21          just try to go forward because this is  
22          something that happens with  
23          interpreters during depositions where  
24          sometimes things need to be clarified  
25          and let's see if we can get through

1                   A. Smirnov

2           this.

3                   Does that sound good or do you  
4           wish -- are you requesting to break  
5           for the day? It's up to you.

6                   Let's go off the record.

7                   (Whereupon, a discussion was  
8           held off the record.)

9                   MR. SCOLLAN: So back on the  
10          record.

11                   We had a lengthy discussion off  
12          the record and Mr. Smirnov wishes to  
13          go forward with the deposition right  
14          now in English.

15                   Mr. Interpreter has agreed per  
16          Mr. Smirnov's request to remain on the  
17          line for the time being so that if we  
18          need any clarification on something,  
19          that clarification can be made through  
20          the interpreter.

21                   And as I explained to  
22          Mr. Smirnov, of course, if he has any  
23          questions for me or anything seems  
24          confusing, he can of course ask me to  
25          rephrase and I can do so.

1 A. Smirnov

2 And I also let Mr. Smirnov know  
3 to let me know right away if he wishes  
4 to proceed in a different way other  
5 than what I just outlined and to even  
6 come back with a different  
7 interpreter.

8 Does that make sense to you,  
9 Mr. Smirnov, and that was the summary  
10 of what we discussed, correct?

11 THE WITNESS: Yes.

12 BY MS. SCOLLAN:

13 Q. Okay. So my first question is:  
14 How long have you lived in the United  
15 States?

16 A. For seven-plus years.

17 Q. And you obviously speak English?

18 A. Yes.

19 Q. And you speak English every day  
20 of your life?

21 A. Mostly.

22 Q. Right. So just back to the  
23 question that I asked before. It was  
24 about the funding and business loan  
25 company that you worked for, correct?

1 A. Smirnov

2 A. Yes. So here's the situation.  
3 I get a job in a company in financial. So  
4 I used to work in that company for months,  
5 like as contractor. And like recently I  
6 quit the job. So like few weeks ago, but  
7 I do still have a few deals that still  
8 right now in the process, so I'm in touch  
9 with this company now. So it's hard to  
10 tell them I'm working directly or not  
11 working at all.

12 Q. I understand.

13 Does this company provide any  
14 loans or funding to any healthcare  
15 practices?

16 A. Don't know that.

17 Q. Since 2021, have you worked for  
18 any other company or had any other job  
19 other than what you just described?

20 A. I worked for like two months,  
21 two or three months. Don't remember  
22 exactly, for a guy who is doing like --  
23 who is providing range of motion and  
24 functional cap -- not ranges of motion.  
25 My bad. Functional capacity.

1 A. Smirnov

2 Q. So you worked for someone that  
3 was providing technician services for  
4 functional capacity testing, correct?

5 A. Yeah.

6 Q. What was his name?

7 A. His name was Igor.

8 Q. What's his last name?

9 A. I don't know that.

10 Q. Did you work for a specific  
11 company?

12 A. I don't know. So he was, I mean  
13 like he was -- he is just providing the  
14 functional capacity services. So I don't  
15 know who he work for. So basically he  
16 just -- I don't know who he working for.

17 Q. So he would call you when he  
18 needed you to provide technician services,  
19 correct?

20 A. Yes. It was a part-time, not a  
21 full-time.

22 Q. Do you remember the name of the  
23 company where you received your paycheck  
24 from?

25 A. No, I don't.

1 A. Smirnov

2 Q. Did you work at No-Fault  
3 clinics?

4 A. For which periods of time?

5 Q. When you were working for this  
6 functional capacity testing company.

7 A. Yes.

8 Q. Prior to the functional capacity  
9 testing job, did you have any other job  
10 relating to No-Fault patients?

11 A. No.

12 Q. Are you familiar with a company  
13 called Trydat, Inc.?

14 A. Yes, this is my company.

15 Q. Do you own that company?

16 A. Yes.

17 Q. Have you always been the one  
18 hundred percent owner of that company?

19 A. Yes.

20 Q. Do you have any licenses or  
21 certifications relating to technician  
22 services?

23 A. I do have range of motion and  
24 functional capacity certificate, pinch and  
25 grip from the company J Tech. J like



1 A. Smirnov

2 Jonathan and Tech.

3 Q. Any other certificates relating  
4 to healthcare practices?

5 A. No.

6 Q. And I can represent, as you  
7 know, you produced documents in this case  
8 to plaintiffs in response to a subpoena  
9 that you received. Do you remember that?

10 A. Yes.

11 Q. When you received the subpoena,  
12 did you call anybody about which documents  
13 you would provide other than me?

14 A. I need rephrasing. Can you  
15 rephrase that question for me?

16 Q. Sure.

17 So you got the subpoena, right?

18 A. Yes.

19 Q. When you got the subpoena, did  
20 you call anybody other than me to discuss  
21 the subpoena?

22 A. Yes.

23 Q. Who did you call?

24 A. I called to Yana, the person who  
25 I used to work for during those periods of

1 A. Smirnov

2 time.

3 Q. And is Yana's last name  
4 Mironovich?

5 A. I don't know that. I just know  
6 that she's Yana.

7 Q. Do you have Yana's phone number?

8 A. I think so.

9 Q. You can look in your phone.  
10 Do you have it?

11 You can say it if you now  
12 refreshed your recollection and you have  
13 her phone number.

14 I can't hear you. I think  
15 you're muted.

16 (Technical difficulties.)

17 A. The phone is a microphone and  
18 when I try to open the phone it kind of  
19 like muted me.

20 Q. I can hear everything you're  
21 saying right now.

22 A. Now you're supposed to hear me,  
23 right?

24 Q. Yes.

25 A. For some reason the microphone

1 A. Smirnov

2 connected and it gets the sound from the  
3 phone so.

4 Q. Okay.

5 Do you have Yana's phone number?

6 A. Yeah.

7 Q. Let me just ask a question.

8 What is Yana's phone number?

9 A. (718) 915-0288.

10 Q. And why did you call Yana?

11 A. To ask what's going on.

12 Q. And what did she say?

13 A. She said -- she didn't say  
14 anything. She said this is -- this is  
15 subpoena and do what you need to do.  
16 Which is mean -- I mean like, do what I  
17 like supposed to do. So I mean like yeah.

18 Q. What does Yana look like? What  
19 color hair does she have?

20 A. She got the black hair. She's  
21 like about 5-7, 5-6, yeah.

22 Q. So let me just --

23 A. Regular. Just regular I guess.

24 Q. So just regular looking with  
25 black hair?

1 A. Smirnov

2 A. Yeah. I mean...

3 MR. SCOLLAN: Iris, can you  
4 enable me to share my screen?

5 I'm going to mark this as  
6 Exhibit 1.

7 [The photograph was hereby  
8 marked as Exhibit 1 for  
9 identification, as of this date.]

10 Q. So I'm just going to share my  
11 screen. This is Exhibit 1. It's a  
12 one-page document. It's a photo.

13 Do you see that photo,  
14 Mr. Smirnov?

15 A. Yes, I seen that photo.

16 Q. Do you recognize this person?

17 A. She look like Yana.

18 Q. So you believe this to be the  
19 Yana that you spoke to on the phone whose  
20 phone number is (718)915-0288?

21 A. More than less, I guess. Like  
22 not hundred percent.

23 Q. Have you ever exchanged text  
24 messages with Yana?

25 A. Yes.

1 A. Smirnov

2 Q. Do you have those text messages  
3 on your phone now?

4 A. I'm going to need to check this  
5 out.

6 Q. Please do.

7 A. Yes, I do.

8 Q. And you have those on your phone  
9 right now?

10 A. Yes, I do.

11 MR. SCOLLAN: GEICO just asks  
12 that you preserve those text messages  
13 because we will be following up with  
14 you after the deposition to receive  
15 copies of those text messages, okay?

16 THE WITNESS: Okay.

17 MR. SCOLLAN: And for the  
18 record, those communications were in  
19 plaintiff's position responsive to the  
20 previous subpoena which was served on  
21 Trydat, Inc.

22 Q. So how do you know Yana?

23 A. She was the person that I used  
24 to work for.

25 Q. And in what capacity did you

1                   A.     Smirnov

2     work for Yana?   What was your job?

3           A.     I did the technician services.

4           Q.     And did you do these technician  
5     services through try Trydat, Inc.?

6           A.     Yes.

7           Q.     And I'm going to refer to  
8     Trydat, Inc. as Trydat throughout the  
9     deposition.

10                   What kind of company was Trydat?

11           A.     Need clarification.   Can you  
12     rephrase it?

13           Q.     Sure.

14                   Was Trydat the company that you  
15     used to provide technician services at  
16     medical offices?

17           A.     Yes.

18           Q.     Did anyone work for Trydat other  
19     than you?

20           A.     Yes.

21           Q.     Who?

22           A.     Currently?

23           Q.     Since 2021.

24           A.     I don't remember the exact dates  
25     with the people.

1 A. Smirnov

2 Q. Did the other people that worked  
3 for Trydat, were they the technicians that  
4 provided the technician services?

5 A. That used to work, yes.

6 Q. Is Trydat still an active  
7 company?

8 A. I didn't call this company yet,  
9 but I'm not like -- I mean like, I mean,  
10 I'm not making money so...

11 Q. When was the last time you or a  
12 technician that you hired provided  
13 technician services on a patient?

14 A. I don't remember.

15 Q. Has it been over six months?

16 A. Yes.

17 Q. Other than your e-mail address  
18 which we -- which you used to send me  
19 documents, are there any other e-mail  
20 addresses tied to Trydat?

21 A. No.

22 Q. Do you exchange e-mails with  
23 Yana?

24 A. No.

25 Q. When was the last time you spoke

1 A. Smirnov

2 to Yana?

3 A. When I received the subpoena.

4 Q. When you testified to technician  
5 services that Trydat provides, what kind  
6 of technician services are you talking  
7 about?

8 A. Do you mean with the Trydat  
9 provider, right?

10 Q. Yes.

11 A. So for which period of the time?

12 Q. During the time that you worked  
13 for Yana.

14 A. It was the like shockwave  
15 services and that's it.

16 Q. Did you work for anybody else  
17 other than Yana during this time period?

18 A. I don't remember.

19 Q. How much did Trydat charge for  
20 these shockwave technician services? Like  
21 how are you paid for this work?

22 A. So I was paying to the  
23 technicians -- so -- can you rephrase it,  
24 please?

25 Q. Sure.



1                   A.     Smirnov

2                   There were certain times when  
3     Trydat would hire technicians to provide  
4     the work, correct?

5           A.     Yes.

6           Q.     So when you paid these  
7     technicians how much did you pay them?

8           A.     The technicians?

9           Q.     Yes.   How much would they be  
10    reimbursed for their work?

11          A.     From 175 to 200.

12          Q.     Is that per day?

13          A.     Yes, correct.

14          Q.     Was Yana the only person who  
15    paid Trydat for shockwave technician  
16    services?

17                   Let me take a step back  
18    actually.

19                   When Yana paid Trydat for  
20    shockwave technician services, how much  
21    did she pay you?

22          A.     So it was from 250 to 300.

23          Q.     Per day?

24          A.     Per technician.

25          Q.     Would Trydat provide one

1                   A.     Smirnov

2     technician per location per day?

3             A.     Yes.

4                   MR. SCOLLAN:   I'm just going to  
5     mark -- I'm going to share my screen.  
6     This is Exhibit 2.

7                   [The document was hereby marked  
8     as Exhibit 2 for identification, as of  
9     this date.]

10            Q.     This is a one-page document.   At  
11     the top it says:   "New York Motor Vehicle  
12     No-Fault Insurance Law Assignment of  
13     Benefits form."

14                   Do you see that, sir?

15            A.     Yes, I do.

16            Q.     Do you recognize this document?

17            A.     This is the assignment of  
18     benefit that we probably use too.

19            Q.     I believe this assignment of  
20     benefits form was provided by you in  
21     response to the subpoena you received,  
22     correct?

23            A.     I probably, yes, not a hundred  
24     percent sure.   I mean it was long time  
25     ago, so I forget.   Probably, yes.

1 A. Smirnov

2 Q. Do you see the name Elena  
3 Borisovna Stybel, M.D." at the top?

4 A. Yes, I do.

5 Q. And do you see at the bottom it  
6 says "Elena Borisovna Stybel, M.D." as  
7 well?

8 A. Yes, I see that.

9 Q. And then the address for the  
10 practice is listed as 3063 Brighton 8th  
11 Street, Floor 2 in Brooklyn, New York?

12 A. Uh-huh.

13 Q. And then there's a signature  
14 already on the assignment of benefits  
15 form, correct?

16 A. On that one, yes.

17 Q. Who gave you this document?

18 A. Yana.

19 MR. SCOLLAN: For the record,  
20 when we're referring to Yana  
21 throughout the deposition, I'll be  
22 referring to the Yana that you spoke  
23 to on the phone about your subpoena  
24 and the Yana that hired you to provide  
25 technician services through Trydat,

1 A. Smirnov

2 Inc.

3 Q. How did Yana give you this  
4 document?

5 A. I don't know.

6 Q. Do you recognize the Brighton  
7 8th Street address?

8 A. I assume that this is -- I mean  
9 like --

10 Q. You can say "no" if that's the  
11 answer.

12 A. I mean, if I'm going to Google  
13 it and see that I might gonna recognize  
14 it.

15 MR. SCOLLAN: So I'll mark this  
16 as Exhibit 3.

17 [The photograph was hereby  
18 marked as Exhibit 3 for  
19 identification, as of this date.]

20 Q. This is a screenshot of a  
21 building and on the front it says:  
22 "Rehabilitation Center Multi-Specialty."

23 Do you recognize this building,  
24 sir?

25 A. Yes.

1 A. Smirnov

2 Q. What is this building?

3 A. It's in this building located  
4 Yana office.

5 Q. That's where Yana's offices is,  
6 correct?

7 A. Yes.

8 Q. I'm just going to share my  
9 screen again to show you Exhibit 2 again.

10 Did Yana give you any other  
11 assignment of benefit forms?

12 A. I don't remember.

13 Q. Elena Borisovna Stybel, are you  
14 familiar with that person?

15 A. Never seen that person in my  
16 life.

17 Q. Have you ever spoken to anybody  
18 who told you that they were Dr. Stybel?

19 A. Can you repeat the question?

20 Q. Sure.

21 Have you ever spoken to Dr.  
22 Stybel?

23 A. No, never in my life.

24 Q. Have you ever been in the same  
25 room as Dr. Stybel?

1 A. Smirnov

2 A. No.

3 Q. How long have you known Yana?

4 A. During my work time with her?

5 Q. Just in your life.

6 A. I mean, it's hard to tell.

7 Q. Is it over five years?

8 A. No, no, no. A hundred percent  
9 less.

10 Q. Is it about two years?

11 A. Less.

12 Q. How did you meet Yana?

13 A. So someone told me and so there  
14 is the person who is looking for  
15 technicians, and that's how I got like  
16 contact with Yana.

17 Q. Do you remember who called you  
18 to tell you that?

19 A. No, not sure.

20 Q. And then eventually you met with  
21 Yana, correct?

22 A. Yes.

23 Q. Did you meet with her at her  
24 office at Brighton 8th Street?

25 A. On this location that you showed

1                   A. Smirnov

2       me on the picture.

3           Q.       And then what did she tell you?

4           A.       Can you clarify that?

5           Q.       Sure.

6                   Did Yana then tell you that she  
7       needed someone to provide shockwave  
8       technician services?

9           A.       I don't remember the exact  
10       conversation but yes, she was looking for  
11       technicians and I was the person who  
12       provided that so...

13          Q.       And when Trydat and its  
14       technicians were working in the medical  
15       offices, they were doing this work for  
16       Yana, correct?

17          A.       Can you like rephrase the  
18       question?

19          Q.       Sure.

20                   Did you personally ever speak to  
21       any doctor about the technician services?

22          A.       What you mean?

23          Q.       Did you ever speak to any  
24       doctors about the technician services that  
25       Trydat provided?

1 A. Smirnov

2 A. I mean, can you like -- can you  
3 a little bit like explain the question  
4 because I like, I don't understand what  
5 you are trying to ask.

6 Q. Sure.

7 So is it fair to say that Yana  
8 was the only person who paid you for  
9 Trydat's technician services?

10 A. Yes.

11 Q. Did you ever receive any payment  
12 from a doctor for these services?

13 A. Never, no.

14 Q. Do you know the name of any  
15 healthcare practice that Trydat provided  
16 technician services through?

17 A. I don't remember the names.

18 Q. Was it your understanding that  
19 it was -- that Trydat did technician  
20 services for more than one healthcare  
21 practice?

22 A. I mean for medical office,  
23 right?

24 Q. Right. So that's a good  
25 question.



1 A. Smirnov

2 So Trydat, Inc., provided these  
3 technician services at multiple medical  
4 offices, correct?

5 A. Yes.

6 Q. And these medical offices were  
7 located in New York, correct?

8 A. Yes.

9 Q. And regardless of what medical  
10 office Trydat, Inc., went to, Yana was the  
11 person who sent Trydat, Inc., technicians  
12 to those offices, correct?

13 A. Yes.

14 Q. When you say "shockwave," is  
15 that the same thing as radial pressure  
16 wave therapy?

17 A. Yes.

18 Q. So can you just walk me through  
19 the process of how Trydat provided  
20 technician services to Yana on a given  
21 day? Would she call you first? How did  
22 it work?

23 A. So I get the schedule. So I  
24 kind of had the understanding where the  
25 technician like supposed to go, like

1                   A. Smirnov

2       including me.

3                   So the technician going to the  
4       medical office. I mean, like getting into  
5       the office, saying hi to the front desk.  
6       Front desk let you know that the  
7       technician going to provide the services  
8       in this office. So they giving the  
9       technician providing the room for the  
10      technician. So they providing the room  
11      for technician. The technician set up the  
12      equipment. So making the copy of the  
13      sign-in sheet list. The copies of  
14      paperwork.

15                  Then the front desk girl, they  
16      printing the chart, like with the patient  
17      information. And after that the front  
18      desk staff they bring in the patient by  
19      itself. So the technician doing like the  
20      procedure. And like patient leaving, and  
21      repeat again and again.

22           Q.       Would Yana give you the  
23      schedule?

24           A.       Yes.

25           Q.       Would she physically hand you

1 A. Smirnov

2 the schedule or would she text you the  
3 schedule? How did it work?

4 A. I don't remember. Like the -- I  
5 mean, I don't remember exactly but most  
6 the time there was the board that like I  
7 told you about, while we was speaking the  
8 regarding the subpoena. She got like the  
9 paper board like in her office where there  
10 is like location, where the technician  
11 supposed to go.

12 Q. And that was specifically in her  
13 billing office in that building I showed  
14 you before, correct?

15 A. Yes, in this building.

16 Q. And with the sign-in sheets and  
17 the other paperwork that was used, was all  
18 that paperwork already at the clinic?

19 Let me take a step back.

20 A. Yeah.

21 Q. Did Trydat's technicians bring  
22 any paperwork to the clinics?

23 A. Yes.

24 Q. Did you get that paperwork from  
25 Yana?

1 A. Smirnov

2 A. Yes. The whole paperwork was  
3 provided like from Yana, yeah.

4 Q. Are you familiar with a company  
5 called "New York Billing and Processing  
6 Corp"?

7 A. I assume this is Yana company.

8 Q. Does Yana work with anybody  
9 else?

10 A. Probably, yes.

11 Q. Does Yana have a boss?

12 A. I don't know.

13 Q. So we discussed that Trydat  
14 hired other technicians to provide some of  
15 these technician services, correct?

16 A. Can you clarify?

17 Q. Yes. So this might be the  
18 easiest thing to do.

19 MR. SCOLLAN: Let me bring up --  
20 I'll mark this Exhibit 4.

21 [The document was hereby marked  
22 as Exhibit 4 for identification, as of  
23 this date.]

24 Q. I will share my screen with you.  
25 So this is a six-page document which

1 A. Smirnov

2 includes Form 1099 NEC, all of which state  
3 Trydat, Inc., at the top.

4 Do you recognize these forms,  
5 sir?

6 A. Yes, I do.

7 Q. And these were forms that you  
8 produced in response to the subpoena to  
9 Trydat, correct?

10 A. Yes, correct.

11 Q. So the individuals in these  
12 forms -- I'll list their names. Serov  
13 Artem --

14 MR. SCOLLAN: And Iris, we can  
15 do the spellings during the break.

16 Q. Tilavoldieu Khohiakbar.  
17 Apologies to that person, screwing up  
18 their name.

19 Davydao Mikita. Gabrielyan  
20 Artyem. Rudik Olesya. Duccos Alexander,  
21 I believe that says Renat.

22 A. Uh-huh.

23 Q. The individuals that I just  
24 listed were technicians that you hired,  
25 right?

1 A. Smirnov

2 A. Yes, correct.

3 Q. And these are technicians that  
4 provided technician services for Yana,  
5 correct?

6 A. So I mean these technicians they  
7 used to work for me, but I, like, my  
8 company use to the work for Yana.

9 Q. So if Yana needed a tech and --  
10 let's take a step back.

11 Did you personally provide any  
12 technician services for Yana you,  
13 yourself?

14 A. Yes, I did.

15 Q. So if Yana needed a tech and you  
16 weren't available, you would then hire  
17 someone to do the work, right?

18 A. I mean it's depends. You need  
19 to clarify that.

20 Q. Okay. So was there ever a  
21 scenario where Yana called you to provide  
22 technician services and you personally,  
23 Artem Smirnov, could not show up to the  
24 clinic?

25 A. Yeah. I mean, like if I'm not

1 A. Smirnov

2 going to be able, yes, there is the  
3 technicians. I mean, if I'm not available  
4 to do the work, let's say like that, the  
5 technicians went and did the job.

6 Q. And the individuals listed in  
7 this exhibit were the people you called to  
8 do the work for Yana, correct?

9 A. You could say like that for work  
10 that Yana give it to me.

11 Q. Right.

12 So let me ask you this: Sir,  
13 Serov Artem, did he provide technician  
14 services other than radial pressure wave  
15 technician services for Trydat?

16 A. For Trydat only radial pressure.

17 Q. Did Tilavoldieu Khojiakbar only  
18 provide radial pressure wave technician  
19 services for Trydat?

20 A. Yes, correct, as all of them.

21 Q. And that's true of all  
22 individuals in this exhibit, correct?

23 A. Yes, all individuals they was  
24 working for Trydat and provided radial  
25 pressure wave.

1 A. Smirnov

2 Q. And that's the only thing that  
3 they provided for Trydat, correct?

4 A. Yes, correct.

5 Q. Did any of the individuals in  
6 that exhibit have any certifications?

7 A. Clarify that, please.

8 Q. Sure.

9 So you have certain  
10 certifications from J Tech, right? Did  
11 the individuals in the 1099s issued by  
12 Trydat have any certificates relating to  
13 healthcare practice?

14 A. I don't know.

15 Q. Did you have to provide them any  
16 training to provide the radial pressure  
17 wave technician services?

18 A. Yes.

19 Q. Did they all receive the same  
20 training from you?

21 A. Yes, correct.

22 Q. Can you just describe what that  
23 is?

24 A. The training or the procedure by  
25 itself?



1 A. Smirnov

2 Q. The training.

3 A. How the training was going on?

4 Q. Yes.

5 A. So like while I was working in  
6 the office they was staying with me. And  
7 I mean, like I showed them like how to  
8 operate device, like machine. How to  
9 operate the machine. How to do this  
10 procedure and, yeah, like all the process.

11 Q. And about how long does that  
12 take to train them?

13 A. It's hard to tell. It depends  
14 like from the person. Sometimes people  
15 get it quick. Sometimes people get it  
16 slower so it's like depends.

17 Q. Did all of the technicians in  
18 Exhibit 4, were they paid between \$175 and  
19 \$200 per day by Trydat?

20 A. Yes.

21 MR. SCOLLAN: Let's just take a  
22 five-minute break.

23 (Whereupon, a recess was taken  
24 at this time.)

25 MR. SCOLLAN: Iris, can you read

1 A. Smirnov

2 back the last question?

3 (Whereupon, the record was read  
4 by the reporter.)

5 Q. For all of the radial pressure  
6 wave technician services that Trydat  
7 provided to Yana, were you reimbursed  
8 between \$250 and \$300 per technician per  
9 day?

10 A. Yes.

11 Q. Other than text messages did you  
12 exchange e-mails with Yana?

13 A. I like, when you ask me last  
14 time, I check that. I don't have any  
15 e-mails.

16 Q. Was there ever -- were there  
17 ever days when Yana needed technicians at  
18 multiple locations on the same day?

19 A. Yes.

20 Q. And she would tell you how many  
21 technicians she needed?

22 A. Yes.

23 Q. You mentioned the equipment that  
24 was used for the technician services.

25 What kind of equipment?

1 A. Smirnov

2 A. So it was the two type of  
3 machines. I use Chattanooga RPW mobile.  
4 And that techs, like they use different  
5 type of machine but I don't remember the  
6 name of the brand.

7 Q. Regardless if it was the  
8 Chattanooga RPW mobile machine or the  
9 machine used by the technicians you hired,  
10 were all of the machines radial pressure  
11 wave therapy machines?

12 A. Yes.

13 Q. The Chattanooga RPW mobile, I'll  
14 call the "Chattanooga," how much did it  
15 cost you?

16 A. I don't know.

17 Q. Was it less than \$3,000?

18 A. More.

19 Q. Do you remember approximately  
20 how much it was?

21 A. Around nine, eight. I don't  
22 remember exactly.

23 Q. Do you have the check --

24 A. No.

25 Q. -- that you used to pay for it?

1 A. Smirnov

2 A. I don't have the check.

3 Q. How did you pay for this  
4 machine, by credit card?

5 A. No, no.

6 Q. How did you pay for it?

7 A. I don't remember. I don't  
8 remember how I pay for that. Definitely  
9 not a card. Cash. I guess, cash. I buy  
10 it from someone. I don't remember.

11 Q. Could you describe what it looks  
12 like?

13 A. So it's a big machine like with  
14 the white top. They have like the areas  
15 to put the gun and the gel. So it's  
16 having like the screen and it have like,  
17 like pistol gun which -- with the wire.  
18 With kind of like kind of tube. And it  
19 was the spinning wheel.

20 Q. Say that again?

21 A. It was like the wheel over there  
22 where you supposed to, you know, to change  
23 like -- to change the -- how do you call  
24 it?

25 So, yeah, the machine by itself

1                   A. Smirnov  
2     that's have functions that you able to  
3     switch. So this is the bar perimeter and  
4     like another perimeter is the, like the  
5     hertz perimeter. And this is the wheel,  
6     like when you going to be able to  
7     manipulate the way how the machine is  
8     working.

9           Q.     Do you remember the make and  
10    model of the machine?

11          A.     Of the Chattanooga?

12          Q.     Yes.

13          A.     I said that. It's Chattanooga  
14    RPW mobile 300.

15          Q.     And you own this Chattanooga  
16    machine, correct?

17          A.     Yes.

18          Q.     And do you still have the  
19    machine?

20          A.     Yes.

21                   MR. SCOLLAN: And GEICO just  
22    asks that you preserve the machine.

23                   THE WITNESS: Can you rephrase  
24    it? I don't know the word...

25                   MR. SCOLLAN: Yes.

1                   A. Smirnov

2                   So GEICO is just requesting that  
3                   you don't destroy the machine because  
4                   we may have additional document  
5                   requests regarding the machine. So  
6                   we're just asking that you keep it.

7                   THE WITNESS: I don't have the  
8                   whole machines because like I moved  
9                   from different places, so in some of  
10                  machines they break down during, like  
11                  during the work and some of them I  
12                  just dismantle because, I mean, it's  
13                  taking a lot of space. So it's hard  
14                  to sell it.

15                 MR. SCOLLAN: Understood.

16                 THE WITNESS: I do have like  
17                 some of machines.

18                 Q.       And regardless of the machine  
19                 that was used, the only services that  
20                 Trydat provided were radial pressure wave  
21                 therapy services, correct?

22                 A.       On those points at the time for  
23                 Yana, yes.

24                 Q.       Once the technician was done at  
25                 the clinic for the day and they had all

1 A. Smirnov

2 this paperwork and these reports, what did  
3 they do with the paperwork?

4 A. So what they giving the  
5 paperwork to me. And in the end of the --  
6 like in the end of the week or in the  
7 beginning of next week, I bringing the  
8 reports like to the -- like a stack of  
9 them to Yana's office, office to Yana.

10 Q. Once you collected enough  
11 paperwork and the stack of the paperwork  
12 you would then bring all of the paperwork  
13 to Yana's office, correct?

14 A. Yes, correct.

15 Q. At that point would Yana count  
16 the number of reports?

17 A. Yes.

18 Q. And then would Yana pay you for  
19 the work?

20 A. Yes.

21 MR. SCOLLAN: I'm just going to  
22 mark this as Exhibit 5.

23 [The photograph was hereby  
24 marked as Exhibit 5 for  
25 identification, as of this date.]

1 A. Smirnov

2 Q. This is a 19-page PDF. I will  
3 scroll through it slowly because I only  
4 have questions relating to specific checks  
5 within this exhibit.

6 So on page 2 of the exhibit is a  
7 check issued from Evergreen & Remegone,  
8 LLC, to Trydat, Inc., in the amount of  
9 \$6,450 dated August 16th of 2021. Do you  
10 see that, sir?

11 A. Yes, I do.

12 Q. And the check was deposited into  
13 Capital One Bank account.

14 Does Trydat have a bank account  
15 at Capital One?

16 A. Yes, correct.

17 Q. And are you the only signatory  
18 on that account?

19 A. Yes, I do.

20 Q. Are you familiar with the  
21 company Evergreen & Remegone, LLC?

22 A. I getting familiar with them. I  
23 mean, only after you told me about that  
24 during our first conversation, but before  
25 that I didn't like, you know, noticed this



1 A. Smirnov

2 company because this is the company -- I  
3 mean, this is the checks that Yana gave  
4 me. And I mean it was the connection from  
5 Yana, so I didn't check the company,  
6 something like that. That's the check  
7 that Yana gave.

8 Q. Do you know who signed this  
9 check?

10 A. No.

11 Q. I'm just going to scroll  
12 through.

13 So there's this check issued  
14 from Evergreen & Remegone, LLC, to Trydat,  
15 Inc. There's another check on page 3 of  
16 the PDF issued from Evergreen & Remegone,  
17 LLC, to Trydat, Inc.

18 There's another check issued  
19 here on page 4 from Evergreen & Remegone,  
20 LLC, to Trydat.

21 And then on page 6, another  
22 check issued from Evergreen & Remegone,  
23 LLC, to Trydat, Inc.

24 I'm going to page 8 of the  
25 exhibit. There's another check issued

1                   A. Smirnov  
2     from Evergreen & Remegone, LLC, to Trydat,  
3     Inc.

4                   On page 9, there are two checks  
5     issued from Evergreen & Remegone, LLC, to  
6     Trydat, Inc.

7                   Going down to page 11, there are  
8     two additional checks issued from  
9     Evergreen & Remegone, LLC, to Trydat, Inc.

10                  Going down to page 13, two  
11     additional checks issued from Evergreen &  
12     Remegone, LLC, to Trydat, Inc.

13                  I can represent that those are  
14     the only checks issued from Evergreen &  
15     Remegone, LLC, to Trydat, Inc., that are  
16     in this exhibit.

17                  Looking at all those checks,  
18     sir, were all of those checks given to you  
19     by Yana?

20           A.     Yes. I mean -- yes.

21           Q.     And all the checks were given to  
22     you by Yana in exchange for Trydat  
23     providing radial pressure wave technician  
24     services, correct?

25           A.     Yes, correct.

1 A. Smirnov

2 Q. And did Yana physically hand you  
3 all these checks at her office?

4 A. Yes.

5 Q. Do you know of anyone who works  
6 for Evergreen & Remegone, LLC?

7 A. I don't know but -- for that  
8 particular company, I don't know.

9 Q. Do you know who owns the  
10 company?

11 A. No. I think it's Yana.

12 Q. Did you think it was Yana?

13 A. Yeah. I mean she gave me the  
14 checks. I mean, I receiving the checks  
15 for my work. She gave me the check. The  
16 check is valid too. I supposed to think  
17 or Google or do whatever, you know. I did  
18 the job. I received the check so.

19 Q. Did Yana ever tell you what  
20 healthcare practice she was paying you on  
21 behalf of?

22 A. Can you rephrase it, please?

23 Q. Sure.

24 It was your understanding that  
25 Trydat, while it worked for Yana, was

1                   A.     Smirnov

2     treating patients for medical practices,  
3     correct?

4           A.     I don't understand the question.  
5     Can you rephrase it again?

6           Q.     Sure.

7                   The patients that Trydat  
8     provided technician services for, whose  
9     patients were they?

10          A.     The medical office.

11          Q.     Do you know the name of any of  
12     the healthcare practices that treated at  
13     any of these medical offices?

14          A.     I don't remember the names.

15          Q.     When Yana gave you the checks  
16     from Evergreen & Remegone, did she tell  
17     you through what healthcare practice these  
18     patients were treated under?

19          A.     No. I mean, she paid. So I  
20     bring the her stacks of reports to her and  
21     like based on the amount of the reports, I  
22     mean, she's paying me like money.

23          Q.     So it was just simple math on  
24     her part. She had to look at how many  
25     texts were provided and based on that

1 A. Smirnov

2 that's how much money she owed you, right,  
3 correct?

4 A. Yes. Let's say she sent for  
5 four locations, right? We did the job for  
6 four location. We bring the four stack of  
7 the reports and she paid for that four  
8 stacks so, yeah.

9 Q. So it didn't matter what  
10 healthcare practice the work was provided  
11 through, correct?

12 A. Yes. I mean, like she was  
13 sending to location. We went there. The  
14 medical office they already know that  
15 shockwave radial pressure technician  
16 supposed to come. We did the job and,  
17 yeah, and bring the paperwork to Yana.  
18 And based on that, Yana paid us so, yes.

19 Q. Did Trydat receive a 1099 for  
20 the work that it provided on behalf of  
21 Evergreen & Remegone?

22 A. No.

23 Q. Have you or any of the  
24 technicians you hired ever been an  
25 employee of Evergreen & Remegone?

1 A. Smirnov

2 A. No.

3 Q. Have you or any of Trydat's  
4 technicians ever been an employee of Dr.  
5 Stybel?

6 A. No.

7 Q. Have you or any of Trydat's  
8 technicians ever been an employee of any  
9 of Dr. Stybel's healthcare practices?

10 A. No.

11 Q. Were you or any of the Trydat  
12 technicians employees of Yana?

13 A. Yes. So we provided the service  
14 for Yana.

15 Q. Right, but did you receive a W-2  
16 from Yana?

17 A. You mean like directly to Yana  
18 you mean?

19 Q. Did Yana ever issue you or  
20 Trydat a W-2 for the work that you guys  
21 provided for her?

22 A. No.

23 Q. Did you or Trydat ever receive a  
24 W-2 from Dr. Stybel?

25 A. No.

1 A. Smirnov

2 Q. Did you or any -- or Trydat ever  
3 receive a W-2 from any healthcare practice  
4 owned by Dr. Stybel?

5 A. No.

6 Q. Did you or Trydat ever receive  
7 any W-2 from any healthcare practice  
8 associated with Dr. Stybel?

9 A. No.

10 Q. Were all of the technician  
11 services that Trydat provided in exchange  
12 for payment from Evergreen & Remegone done  
13 by 1099 independent contractors?

14 A. Yes.

15 Q. Were all of the technician  
16 services that Trydat provided in exchange  
17 for payment that you received from Yana  
18 done by 1099 independent contractors?

19 A. Yes.

20 Q. Did you eventually stop  
21 providing technician services for Yana?

22 A. Yes.

23 Q. Why?

24 A. Because she said there is no  
25 jobs suddenly and that's it.

1 A. Smirnov

2 Q. Are you familiar with a company  
3 called Romgo Tech Service?

4 A. Not sure a hundred percent.

5 Q. You talked about when the actual  
6 testing is done at the medical offices,  
7 right?

8 A. Yes.

9 Q. When you and the other Trydat  
10 technicians were providing these services  
11 for Yana, were the only two people in the  
12 treatment room; the technician and the  
13 patient?

14 A. Yes, most the time. Sometimes I  
15 mean, like, for example, let's say the  
16 situation when the technician he doesn't  
17 speak Spanish, but there's the -- I mean,  
18 Spanish-speaking person, like patient  
19 coming, I mean you're required to go to  
20 the front desk and ask for a translator.  
21 So in that case there's more people in the  
22 room.

23 Q. Other than the instances where  
24 there was a translator, were the only two  
25 people in the room when Trydat --



1 A. Smirnov

2 A. Yes, yes.

3 Q. One second.

4 When Trydat provided technician  
5 services for Yana, the only two people in  
6 the room were the technician and the  
7 patient, correct?

8 A. Yes.

9 Q. Have you ever been in a room  
10 with Dr. Stybel?

11 A. Never.

12 Q. Have any of your technicians  
13 ever been in the room with Dr. Stybel?

14 A. Never.

15 MR. SCOLLAN: Let's take a short  
16 break.

17 (Whereupon, a recess was taken  
18 at this time.)

19 Q. Were you ever given Dr. Stybel's  
20 phone number?

21 A. No.

22 Q. Did you ever talk to Dr. Stybel  
23 on the phone?

24 A. No.

25 Q. Did any of Trydat's technicians

1 A. Smirnov

2 ever speak to Dr. Stybel on the phone?

3 A. No.

4 Q. Did you or any of Trydat's  
5 technicians ever exchange e-mails with Dr.  
6 Stybel?

7 A. No.

8 MR. SCOLLAN: I'm just going to  
9 mark this as Exhibit 6.

10 [The document was hereby marked  
11 as Exhibit 6 for identification, as of  
12 this date.]

13 Q. I'll share my screen. It's a  
14 27-page document. The first is a bill for  
15 the practice Elena Borisovna Stybel, M.D.

16 I'm going to scroll through  
17 this.

18 Page 5 is a form called, it  
19 says: "Informed," I believe, "Consent  
20 Radial Pressure Wave Therapy."

21 Do you recognize this form, sir?

22 A. Not sure.

23 Q. Going down to page 6. It says:  
24 "Referral and Statement of Necessity for  
25 Extracorporeal Shockwave Therapy."

1                   A.     Smirnov

2                   Do you see that?

3           A.     I see there but like I'm not  
4 recognizing that.

5           Q.     Did you keep any copies of the  
6 forms that Yana gave you?

7           A.     No, no.   The only copy that we  
8 got is those the one Yana gave us.   I mean  
9 she's supposed to have it, I guess.

10          Q.     I'm just double-checking.

11                   Page 7 form, it's called:

12 "Therapeutic Shockwave Treatment Plan."

13                   Do you recognize this form?

14          A.     No.   We use different forms.

15          Q.     What kind of forms did you use,  
16 if you remember the names of any of the  
17 forms?

18          A.     I don't know.   I don't remember  
19 the names of it.   I remember it was the  
20 one assignment of benefit, the first page.  
21 The second and third page was like the  
22 boxes that you're supposed to mark.  
23 Pretty similar to this one.

24          Q.     So going back up to page 8, do  
25 you recognize this form?

1 A. Smirnov

2 A. I seen that form but I mean  
3 like -- like I never work with that.

4 Q. Going down to page 21 of the  
5 exhibit. It's a form called: "Radial  
6 Pressure Wave Therapy Report."

7 Do you recognize this form?

8 A. Yes, yes. This was the forms  
9 that we use.

10 Q. And this form was given to you  
11 by Yana?

12 A. Yes, correct.

13 Q. Page 22, the extracorporeal  
14 shockwave and RPW treatment form. Do you  
15 recognize this form?

16 A. Yes.

17 Q. This is another form that Trydat  
18 used?

19 A. Yes, correct.

20 Q. And this is the form that Yana  
21 gave you?

22 A. Yes, correct.

23 Q. Do you remember the name of any  
24 of the locations that you and Trydat's  
25 technicians went to?

1 A. Smirnov

2 A. I don't remember the exactly but  
3 like I mean if you can name some, I might  
4 be able to recognize it if I work there or  
5 not.

6 MR. SCOLLAN: So I'm just going  
7 to -- I'm going to mark this as  
8 Exhibit 7.

9 [The document was hereby marked  
10 as Exhibit 7 for identification, as of  
11 this date.]

12 Q. And I will share this with you.

13 So Exhibit 7 is a one-page Word  
14 document which lists locations that are  
15 included in the amended complaint in this  
16 case.

17 Do you see that document, sir?

18 A. Yes, I do.

19 Q. Take as much time as you need.

20 Which locations do you recognize?

21 A. 150 Graham Avenue.

22 Q. Anything else?

23 A. 1611 East New York Avenue.

24 Q. Any others?

25 A. 2088 Flatbush Avenue.

1 A. Smirnov

2 Q. Anything else?

3 A. 282-284 Avenue X.

4 Q. Which others do you recognize?

5 A. 3626 East Tremont Avenue. 1655  
6 Richmond Avenue.

7 Q. Take your time and look over the  
8 Exhibit one more time and if you recognize  
9 any others, please let us know.

10 A. Yeah, I guess that's it.

11 Q. All of the locations that you  
12 just mentioned, were those locations where  
13 Yana sent you and other Trydat  
14 technicians?

15 A. It was sent to me. I mean like  
16 this is the location that I mean like that  
17 I used to work and send the technicians.

18 Q. So out of the locations that you  
19 said you recognized, which included 150  
20 Graham Avenue, 1611 East New York Avenue,  
21 2088 Flatbush Avenue, 282-284 Avenue X,  
22 3626 East Tremont Avenue, and 1655  
23 Richmond Avenue, were those all locations  
24 where Trydat provided technician services  
25 for Yana?

1 A. Smirnov

2 A. Yes.

3 Q. Are you familiar with an  
4 individual named Eric Meladze?

5 A. No, never heard about that.

6 Q. Did Yana work with anyone named  
7 Eric?

8 A. I don't know.

9 Q. Do you recognize the company  
10 Blue Tech Supplies, Inc.?

11 A. Never heard about that.

12 Q. Have you ever heard of Sunstone  
13 Services, Inc.?

14 A. Never heard about that.

15 Q. Do you know an individual named  
16 Edward Tokar?

17 A. No.

18 MR. SCOLLAN: I have no further  
19 questions for Mr. Smirnov at this  
20 time.

21 GEICO reserves all rights to  
22 request further discovery from Trydat,  
23 Inc., and Mr. Smirnov.

24 For the record, I will be  
25 following up with Mr. Smirnov

1                   A. Smirnov

2           regarding those text messages that he  
3           has with Yana that are responsive to  
4           the previous subpoena that was served  
5           on Trydat, Inc.

6                   Mr. Smirnov, I want to thank you  
7           for your time today. I also want to  
8           thank Mr. Interpreter for being  
9           available just in case we needed him  
10          for any clarification, and thankfully  
11          that wasn't necessary, but we do  
12          appreciate his time.

13                   Thank you everyone. Have a  
14          great day.

15                   [TIME NOTED: 12:00 p.m.]

16

17

-----

ARTEM SMIRNOV

18

19

-----

20          Subscribed and sworn to

before me this -----

21          day of -----, 2023.

22

-----

Notary Public

23

24

25



I N D E X

WITNESS	EXAMINATION BY	PAGE
ARTEM SMIRNOV		
	MR. SCOLLAN	5

E X H I B I T S

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Exhibit 2	Assignment of Benefits form	25
Exhibit 3	Photograph	27
Exhibit 4	6-page document	35
Exhibit 5	Photos of checks	46
Exhibit 6	27-page document	57
Exhibit 7	List of locations	60

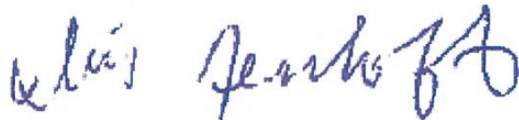
CERTIFICATION

I, IRIS FERNHOFF, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose testimony as herein set forth, was duly sworn by me; and that the within transcript is a true record of the testimony given by said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of March, 2023.



IRIS FERNHOFF

\* \* \*

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ERRATA SHEET  
VERITEXT/NEW YORK REPORTING, LLC

CASE NAME: GOVERNMENT EMPLOYEES  
INSURANCE COMPANY, et al v. ELENA  
BORISOVNA, D.O., et al  
DATE OF DEPOSITION: March 15, 2023  
WITNESS' NAME: ARTEM SMIRNOV

[illegible]

-----  
 ARTEM SMIRNOV  
 SUBSCRIBED AND SWORN TO  
 BEFORE ME THIS \_\_\_\_\_ DAY  
 OF \_\_\_\_\_, 20 \_\_\_\_ .  
 -----  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES \_\_\_\_\_

[&amp; - amount]

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[answer - certificate]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

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